

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC #:

DATE FILED: 10/31/11

11 MISC 00370

SPIN MASTER LTD.,

Plaintiff,

-against-

BUREAU VERITAS CONSUMER PRODUCTS
SERVICES, INC., and EUROFINS PRODUCT
SAFETY LABS, INC.

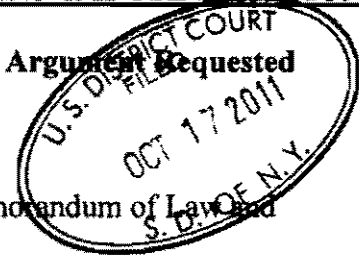
Defendants.

Civil Action No. 08-cv-0923 (RJA) (HKS)

(Currently Pending in the United States
District Court for the Western District of
New York)

**NOTICE OF MOTION TO QUASH
SUBPOENAS, ISSUE PROTECTIVE
ORDER, AND IMPOSE SANCTIONS**

Oral Argument Requested



PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and
Declarations of Daniel P. Goldberg and Dorit Ungar, dated October 14, 2011, and exhibits
attached thereto, defendant Eurofins Product Safety Labs, Inc. and its attorneys, non-parties Mr.
Goldberg and Ms. Ungar, shall move this Court, at the United States Courthouse, 500 Pearl
Street, New York, New York, Courtroom 14D, before the Honorable Alvin K. Hellerstein,
assigned Part 1 Judge, at 10AM on November 1, 2011, for an Order pursuant to Rules 26(c) and
45(c)(3) of the Federal Rules of Civil Procedure: i) quashing subpoenas served by plaintiff Spin
Master Ltd. ("Spin Master") upon Mr. Goldberg and Ms. Ungar, ii) entering a protective order
preventing Spin Master from deposing Mr. Goldberg and Ms. Ungar or obtaining their
documents, and iii) imposing sanctions pursuant to Fed. R. Civ. P. 45(c)(1), 28 U.S.C. § 1927,
and the inherent powers of the Court, including reasonable attorneys' fees and costs, upon Spin
Master and its attorneys for their improper conduct in issuing the subpoenas.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1(a), answering
papers, if any, must be served upon the undersigned counsel for the moving parties within seven

*On consent, and request, of all
parties, this motion, with all its papers,
is transferred to the U.S.D. for C.D.,
W.D.N.Y., where the case is pending. 10/31/11
Alvin K. Hellerstein*

days after service of the moving papers, and all reply papers shall be served within two days after service of the answering papers.

Dated: New York, New York
October 14, 2011

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP

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